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SEP 14 2004

OFFICE OF PETITIONS

In re Application of :
Patterson, et al. :
Application No. 10/789,436 : DECISION ON PETITION
Filed: 26 February, 2004 :
Attorney Docket No.: 554922009300 :

This is a decision on the petition filed on 12 July, 2004, to correct the Express Mail filing date under 37 C.F.R. §1.10, and seeking for the above-identified application a filing date of 26 February, 2004, instead of the presently accorded filing date of 27 February, 2004.

The petition is **GRANTED**, and the petition fee is waived.

NOTE: **Petitioner's attention is directed to the listing on the instant petition setting forth Gerald A. Gutter as the first named inventor, rather than William R. Patterson.**

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received on 27 February, 2004, and given a filing date of 27 February, 2004; and
- Petitioner William H. Benz (Reg. No. 25,952) submits a petition and statement, and supplements the pleadings with, *inter alia*, a copy of the US Postal Service (USPS)

Express Mail label bearing Label No. ER828471911US, which number also appears on the first/transmittal page of the application; and

- the label exhibits a "Date In" of "2/26/04" and a date stamp "FEB 26 04."
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(Petitioner may find that the Track and Confirm printout from the USPS website a valuable practice in support of petitions such as this—particularly when documents such as the mail label are unavailable or yield poor reproductions.)

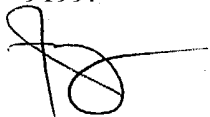
CONCLUSION

Therefore, as to the instant nonprovisional application, Application No. 10/789,436, the Office of Initial Patent Examination is specifically instructed to:

- assign a filing date of 26 February, 2004; and
- issue a filing receipt specifying the filing date as that of 26 February, 2004.

The instant application is released to OIPE to be handled as set forth above before being forwarded for examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.



John J. Gillon, Jr.
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Office of Petitions